

From: pixel fairy
To: Microsoft ATR
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Subject: Microsoft Settlement

my comments have two focuses. I'm certain you have already read much of why the proposed remedy will have little effect on the practices. i have found nothing in the proposed remedy to repair the damage and restore the market place. my first concern is what Microsoft hides and from whom. while implementation is intellectual property, the apis, protocols, and formats should now be publicly available for reasons described below. ive also included a comment about the scope of the settlement.

in section III.I the formats, apis, and protocols need to be publicly available, this is the only way to really lower the barrier of entry to anyone who wants to make compatible software, and is especially important to developers of free software. in its current form, Microsoft can exclude certain parties such as free software developers. also section III.D mentions MSDN as a delivery channel. this would force developers to sign up for Microsoft services in order to obtain the information. the information should be mirrored by at least one independent third party. section III.J.2 is especially dangerous as discussed below.

because Microsoft has illegally dominated the desktop operating systems market, competitors should now be able to make thier software compatible at the api level, which is why the operating systems api needs to be public knowledge so that third party implementations (win32 emulators, compatibility layers, etc) can be developed, removing that barrier of entry. this is very important as windows compatibility has become essential for any commercial desktop software to survive or operating system to be viable to a large market.

any deviance from the published api should be carefully appraised, and documented and fixed in timely manner. a hard deadline should be set for at least documenting any error in Microsoft's implementation to allow outside developers to know about and work around such.

III.J.1 can be abused, if left in the settlement should be watched very carefully by the TC, but preferably taken out. implementations of well designed security protocols are just as effective if the implementation let alone the api is exposed. this clause could easily be used by Microsoft to continue to use secret interfaces in thier products.

III.J.2 need to be taken out as it is very dangerous. it could easily be abused. Microsoft should not be able to set the standards on who can access thier api documentations for the reason set above and

because this clearly allows Microsoft to decide who can and can not be privy to the information. Any organization or individual that Microsoft deems a credible threat would be denied access to the information, or at least delayed until it the protocol was changed. this was probably included by Microsoft lawyers as a way to counter the threat of free software or open source developers and has no value in restoring competition or redressing the damages done.

Microsoft should only be allowed to use thier patents or copyrights defensively and this restriction should also extend to any companies owned by Microsoft. This idea is discussed by the gnu project at <http://www.gnu.org/philosophy/microsoft-antitrust.html>

Microsoft has recently acquired some of the ip regarding opengl from sgi. opengl is an open 3d graphics library used on many platforms including windows. its in competition with Microsoft direct 3d which only runs on windows. if Microsoft used this to inhibit development of opengl or tie it to windows directly or indirectly it would have a horrible effect on the computer graphics industry.

The settlement only applies to desktop software. microsoft is also in other bussiness and has other software departments that are related, and thus the settlement should apply to all of the corporations software.